

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN ROBERT C. CLARK**, on January 25, 1999  
at 8:00 A.M., in Room 312 - 1 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Robert C. Clark, Chairman (R)  
Rep. Dan McGee, Vice Chairman (R)  
Rep. Diana Wyatt, Vice Chairman (D)  
Rep. Chris Ahner (R)  
Rep. Shiell Anderson (R)  
Rep. Paul Clark (D)  
Rep. Aubyn A. Curtiss (R)  
Rep. Bill Eggers (D)  
Rep. Tom Facey (D)  
Rep. Steven Gallus (D)  
Rep. Gail Gutsche (D)  
Rep. Joan Hurdle (D)  
Rep. Rick Jore (R)  
Rep. Sam Kitzenberg (R)  
Rep. Brad Molnar (R)  
Rep. Mark Noennig (R)  
Rep. Jim Shockley (R)  
Rep. Loren Soft (R)  
Rep. Carol Williams (D)  
Rep. Cindy Younkin (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Branch  
Pam Schindler, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing Date: 1/25/1999 HB339,SB8,  
HB357,

Date Posted: 1/22/1999

Executive Action: HB 251, 263-

Tabled. HB 257-Do Pass as Amended, HB 209-Do Pass as Amended, HB  
233-Do Pass, HB 24-Do Pass, HB 357-Do Pass

**HEARING ON HB 339**

**Sponsor:**

Rep. Sliter presented HB 339.

*{Tape : 1; Side : A; Approx. Time Counter : 29 - 100}*

**Proponents:**

Al Smith, Montana Trial Lawyers Association

*{Tape : 1; Side : A; Approx. Time Counter : 100 - 109}*

Bill Eggers, House District #6

*{Tape : 1; Side : A; Approx. Time Counter : 109 - 161}*

**Opponents:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

*{Tape : 1; Side : A; Approx. Time Counter : 161 - 367}*

**Closing by Sponsor:**

Rep. Sliter made closing remarks.

*{Tape : 1; Side : A; Approx. Time Counter : 367 - 439}*

**HEARING ON SB 8**

**Sponsor:**

Rep. Hargrove presented SB 8.

*{Tape : 1; Side : A; Approx. Time Counter : 439 - 550}*

**Proponents:**

Mike Batista, Dept. of Justice

*{Tape : 1; Side : B; Approx. Time Counter : 0 - 51}*

**EXHIBIT**(juh19a01)

Kent Funyak, Montana Narcotic's Association

*{Tape : 1; Side : B; Approx. Time Counter : 51 - 83}*

Jim Smith, Montana Sheriffs and Peace Officers Association

*{Tape : 1; Side : B; Approx. Time Counter : 83 - 93}*

Jeff Fister, Montana Telecommunications Association

*{Tape : 1; Side : B; Approx. Time Counter : 93 - 107}*

**Opponents:**

Scott Crichton, ACLU

*{Tape : 1; Side : B; Approx. Time Counter : 107 - 214}*

**EXHIBIT**(juh19a02)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

*{Tape : 1; Side : B; Approx. Time Counter : 214 - 550}*

*{Tape : 2; Side : A; Approx. Time Counter : 0 - 250}*

**Closing by Sponsor:**

Rep. Hargrove made closing remarks.

*{Tape : 2; Side : A; Approx. Time Counter : 250 - 360}*

**HEARING ON HB 357**

**Sponsor:**

Rep. Cobb presented HB 357.

*{Tape : 2; Side : A; Approx. Time Counter : 360 - 455}*

**EXHIBIT**(juh19a0

3)

Proponents:

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

Rep. Cobb waived closing.

EXECUTIVE ACTION ON HB 24

Motion/Vote: REP. SOFT moved that HB 24 BE PASSED. Motion carried 17-3 with Jore, McGee, and Molnar voting no.  
{Tape : 2; Side : B; Approx. Time Counter : 0 - 84}

EXECUTIVE ACTION ON HB 209

Motion: REP. SHOCKLEY moved that HB 209 BE PASSED.

**EXHIBIT**(juh19a0

4)

Motion/Vote: REP. SHOCKLEY moved that HB 209 BE AMENDED. Motion carried 19-1 with Jore voting no.

Motion/Vote: REP. SHOCKLEY moved that HB 209 BE PASSED AS AMENDED. Motion carried 16-4 with Anderson, Curtiss, Jore, and Soft voting no.

{Tape : 2; Side : B; Approx. Time Counter : 84 - 550}

{Tape : 3; Side : A; Approx. Time Counter : 0 - 95}

EXECUTIVE ACTION ON HB 233

Motion/Vote: REP. YOUNKIN moved that HB 233 DO PASS. Motion carried 18-2 with Clark and Jore voting no.

*{Tape : 3; Side : A; Approx. Time Counter : 95 - 256}*

EXECUTIVE ACTION ON HB 251

Motion: REP. JORE moved that HB 251 BE PASSED.

Motion/Vote: REP. GALLUS moved that HB 251 BE TABLED. Motion carried 14-6 with Clark, Curtiss, Jore, McGee, Molnar, and Younkin voting no.

*{Tape : 3; Side : A; Approx. Time Counter : 256 - 441}*

EXECUTIVE ACTION ON HB 257

Motion: REP. YOUNKIN moved that HB 257 DO PASS.

Motion/Vote: REP. YOUNKIN moved that HB 257 BE AMENDED. Motion carried 19-1 with McGee voting no.

Motion/Vote: REP. YOUNKIN moved that HB 257 DO PASS AS AMENDED. Motion carried 14-6 with Clark, Curtiss, Jore, McGee, Molnar, and Shockley voting no.

*{Tape : 3; Side : A; Approx. Time Counter : 256 - 550}*

*{Tape : 3; Side : B; Approx. Time Counter : 0 - 200}*

EXHIBIT (juh19a0

5)

EXHIBIT (juh19a0

6)

EXECUTIVE ACTION ON HB 357

Motion/Vote: REP. NOENNIG moved that HB 3357 DO PASS. Motion carried unanimously.

*{Tape : 3; Side : B; Approx. Time Counter : 200 - 222}*

EXECUTIVE ACTION ON HB 263

Motion: REP. WYATT moved that HB 263 DO PASS.

Motion/Vote: REP. NOENNIG moved that HB 263 BE AMENDED. Motion carried 19-1 with McGee voting no.

Motion: REP. MCGEE moved that HB 263 BE TABLED. Motion failed.

**Substitute Motion:** REP. MCGEE made a substitute motion **HB 263.**

**Motion/Vote:** REP. WYATT moved that **HB 263 BE TABLED. Motion**  
**carried unanimously.**

***{Tape : 3; Side : B; Approx. Time Counter : 222 - 550}***

***{Tape : 4; Side : A; Approx. Time Counter : 0 - 101}***

**ADJOURNMENT**

Adjournment: 11:45 A.M.

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REP. ROBERT C. CLARK, Chairman

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PAM SCHINDLER, Secretary

RC/PS

**EXHIBIT** (juh19aad)